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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,459	12/12/2001	Yong Hyun An	K-0355	7276
34610	7590	08/09/2005	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			SAMS, MATTHEW C	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 08/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/012,459	Applicant(s) AN ET AL.	
	Examiner Matthew C. Sams	Art Unit 2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-37 is/are pending in the application.
- 4a) Of the above claim(s) 3, 16, 23, 25, 29 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-15, 17-22, 24, 26-28, 30, 31 and 33-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action has been changed in response to the amendment filed on 5/23/2005. Claims 3, 16, 23, 25, 29 and 32 have been canceled. Claims 35-37 have been added.

Claim Objections

2. Claim 1 is objected to because of the following informalities: "even" should say "event". Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Herrod et al. (US-6,405,049 hereinafter, Herrod).

Regarding claim 1, Herrod teaches an information service system comprising a database server that receives and stores information on entities within an area,

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communicates with a mobile terminal (Fig. 5 [10]) and communicates the information on the entities to the mobile terminal (Fig. 5 [10]) while within communication range, and an operation server that controls the database server and the transmission server (Fig. 5 [66]). (Col. 8 lines 52-65, Col. 10 lines 25-44 and Fig. 5) Herrod teaches a sudden information data transmission device (Fig. 5 [66]), installed within a predetermined area, that radio-transmits sudden event information when a sudden event is generated by one of the entities such that the sudden event information is transmitted at different times than the information on the entities. (Col. 10 line 25 through Col. 11 line 3) The information regarding the entities (e.g., store information) is loaded when the mobile terminal (Fig. 5 [10]) is docked with the cradle (Fig. 5 [12]). (Col. 6 lines 30-36)

Regarding claim 2, Herrod teaches a radio data transmitter/receiver installed in the data transmission server and the mobile terminal (Fig. 5 [10]) for mutual radio data transmission/reception. (Col. 10 lines 36-44 and Fig. 5 [12 & 66])

Claim 3 has been canceled.

Regarding claim 4, Herrod teaches a sudden information data transmission device that communicates by short-distance radio transmission. (Col. 16 lines 31-52)

Regarding claim 5, Herrod teaches a radio data transmitter/receiver installed in the sudden information data transmission device to support the radio transmission. (Col. 10 lines 25-35 and Fig. 5 [66])

Regarding claim 6, Herrod teaches the prescribed location is within the predetermined area. (Fig. 5 and Col. 10 lines 25-44)

Regarding claim 7, Herrod teaches a predetermined area is a building. (Fig. 5 & 7 and Col. 10 lines 25-58)

Regarding claim 8, Herrod teaches a predetermined area is a retail outlet or warehouse, which often have outdoor departments and inherently includes the area of a building and the vicinity of a building. (Col. 10 lines 25-58 and Col. 12 line 43 through Col. 13 line 3)

Regarding claim 9, Herrod teaches a data transmission server that communicates directly with the mobile terminal (Fig. 5 [10]). (Fig. 12 and Col. 19 lines 30-54)

Regarding claim 10, Herrod teaches a data transmission server (Fig. 3 [15]) that communicates indirectly with the mobile terminal (Fig. 3 [10]). (Fig. 3 [10, 12 & 15])

Regarding claim 11, Herrod teaches a data transmission server that communicates with the mobile terminal (Fig. 5 [10]) through a third-party wireless communication gateway. (Col. 3 lines 32-61)

Regarding claim 12, Herrod teaches a method of operating an information service system that determines whether a customer is within a prescribed area, obtaining information of a vendor from the database server and transmitting the information between a data transmission server and the mobile terminal when in a prescribed area. (Col. 10 lines 25-58) Herrod teaches receiving sudden event information from a network of a specified vendor if the specified vendor generates a sudden event. (Col. 7 lines 11-16) Herrod teaches the registering the received event information in the database server and radio transmitting the event information to the

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customer's mobile terminal (Fig. 5 [10]), located within a range of reception, by controlling a respective sudden information data transmission section (Fig. 5 [66]). (Col. 7 lines 17-49 and Col. 8 lines 52-65) Herrod teaches the sudden event information is transmitted at different times than the information on the entities. (Col. 10 line 25 through Col. 11 line 3)

Regarding claim 13, Herrod teaches a data transmission server that transmits general information to the mobile terminal (Fig. 5 [10]) by a wired or radio medium. (Col. 10 lines 25-44)

Regarding claim 14, Herrod teaches an information service system that receives customer information regarding the mobile terminal (Fig. 5 [10]), with the data transmission server while transmitting the general information to the mobile terminal (Fig. 5 [10]). (Col. 10 lines 25-58 & Col. 11 lines 27-47)

Regarding claim 15, Herrod teaches an information service system that comprises customer information including Internet Protocol used by the mobile terminal (Fig. 5 [10]). (Col. 27 line 25 through Col. 28 line 48)

Claim 16 has been canceled.

Regarding claim 17, the limitations of claim 17 are rejected as the same reason set forth in claim 7.

Regarding claim 18, the limitations of claim 18 are rejected as the same reason set forth in claim 8.

Regarding claim 19, the limitations of claim 19 are rejected as the same reason set forth in claim 9.

Regarding claim 20, the limitations of claim 20 are rejected as the same reason set forth in claim 10.

Regarding claim 21, the limitations of claim 21 are rejected as the same reason set forth in claim 11.

Regarding claim 22, Herrod teaches a method of operating an information service system confirming the entry of a customer into a building, obtaining information regarding a mobile terminal (Fig. 5 [10]) of the customer, registering the obtained information in a database server, awaiting a sudden event from a vendor in the building, and transmitting the obtained event information to the mobile's terminal (Fig. 5 [10]). (Col. 10 lines 25-58) Herrod teaches a sudden event information is radio-transmitted to the customer's mobile terminal, located within a range where reception by the mobile terminal is possible, by controlling a respective sudden information data transmission section installed within the building and wherein the sudden event information is transmitted to indicate a sudden sale occurring in the building. (Col. 10 lines 25-44)

Claim 23 has been canceled.

Regarding claim 24, Herrod teaches a method of operating an information system comprising knowing when a customer is entering or exiting a building and updating a database server with the resultant information of the customer's location (Fig. 5 [10]). (Col. 10 line 59 through Col. 11 line 50, Fig. 7 and Col. 13 lines 31-33) Herrod teaches a method of judging whether a customer enters or leaves the building by obtaining customer information regarding a customer's mobile terminal (Fig. 5 [10]), determining whether the customer information is stored in the database server,

temporarily storing the customer information on the server and deleting the customer information when the customer leaves the building. (Col. 8 line 66 through Col. 9 line 13 and Col. 13 lines 31-33)

Claim 25 has been canceled.

Regarding claim 26, Herrod teaches a judgment of whether the customer enters or leaves the building based on information regarding the mobile terminal (Fig. 5 [10]) received from the communication network that can identify the location of the mobile terminal (Fig. 5 [10]). (Fig. 7 and Col. 10 line 59 through Col. 11 line 3)

Regarding claim 27, Herrod teaches a temporary registering of information regarding the mobile terminal (Fig. 5 [10]) in the database server, if the mobile terminal (Fig. 5 [10]) has entered the mobile communications network, and deleting the information regarding the mobile terminal (Fig. 5 [10]) if the terminal has left the mobile communications network. (Col. 8 line 66 through Col. 9 line 25 and Col. 29 lines 18-52)

Regarding claim 28, Herrod teaches an information server comprising a location server that determines whether a subscriber terminal (Fig. 5 [10]) has entered or left a predetermined area, a database server that stores information and a data transmission server for communicating stored information to the subscriber terminal if the subscriber terminal (Fig. 5 [10]) is within the predetermined area. (Fig. 7 & 16, Col. 10 line 25 through Col. 11 line 3 and Col. 26 lines 36-43) Herrod teaches an information server where the data transmission server communicates with the subscriber terminal (Fig. 5 [10]) when within communicating range; the location server registers the identification information received from the subscriber terminal (Fig. 5 [10]) in the database server

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when within communicating range and determines when the subscriber terminal (Fig. 5 [10]) has left the communicating range. (Col. 8 line 66 through Col. 9 line 25 and Col. 29 lines 18-52)

Claim 29 has been canceled.

Regarding claim 30, Herrod teaches an information server where the location server receives identification information of the subscriber terminal (Fig. 5 [10]) from a network server, if the network server detects that the subscriber terminal (Fig. 5 [10]) is located near the predetermined area for a period of time. (Col. 15 line 61 through Col. 16 line 19)

Regarding claim 31, Herrod teaches a method of operating an information system comprising knowing when a customer is entering or exiting a building, updating a database server with the resultant information of the customer's location and transmitting information to the subscriber terminal (Fig. 5 [10]) if within communicating range. (Col. 10 line 59 through Col. 11 line 50 and Fig. 7) Herrod teaches of communicating with a subscriber terminal (Fig. 5 [10]) when within range of a data transmission server, registering identification information received from the subscriber terminal (Fig. 5 [10]) in the database server, determining if the subscriber has entered a predetermined area if the subscriber terminal is not registered, and determining that the subscriber terminal (Fig. 5 [10]) has left the predetermined area if the subscriber terminal is currently registered with the location server. (Col. 10 line 25 through Col. 11 line 3, Fig. 5 and Fig. 7)

Claim 32 has been canceled.

Regarding claim 33, Herrod teaches receiving identification information of the subscriber terminal from a network server, if the network server detects that the subscriber terminal (Fig. 5 [10]) is located near the predetermined area for a period of time. (Col. 15 line 61 through Col. 16 line 19) Herrod teaches the network server receives identification information of the subscriber terminal (Fig. 5 [10]) if the network server detects the subscriber terminal (Fig. 5 [10]) has left the predetermined area after being in the area for a period of time and determining if the subscriber terminal (Fig. 5 [10]) has entered or left the predetermined area. (Col. 10 line 25 through Col. 12 line 8) Regarding claim 34, information stored in the database is obtained from vendors within the predetermined area. (Col. 10 line 45-58)

Regarding claim 34, information stored in the database is obtained from vendors within the predetermined area. (Col. 10 line 45-58)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrod in view of Souissi et al. (US-6,091,959 hereafter, Souissi).

Regarding claim 35, Herrod teaches sudden event information transmissions included special offer information, but differs from the claimed invention by not

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mentioning issuing coupons. However, Souissi teaches a two-way wireless communication system for location based message transmission that includes sending coupons. (Col. 5 lines 39-65) At the time the invention was made, it would have been obvious to one of ordinary skill in the art to incorporate the sending of coupons of Souissi into the information transmissions of Herrod. One of ordinary skill in the art would have been motivated to do this since providing coupons to a consumer when the consumer is physically located near the product can influence what the consumer decides to purchase.

Regarding claim 36, the limitations of claim 36 are rejected as the same reason set forth in claim 35.

Regarding claim 37, the limitations of claim 37 are rejected as the same reason set forth in claim 35.

Response to Arguments

7. Applicant's arguments filed 5/23/2005 have been fully considered but they are not persuasive.

Pertaining to the applicant's argument regarding "Herrod et al. does not teach or suggest transmitting sudden event information as claimed by the present invention" (Page 15 lines 4-18), as the applicant mentioned, Herrod does teach a thin client that receives much of the information about the entity when it is docked on the cradle (Fig. 5 [12]). (Col. 6 line 30 through Col. 7 line 49) However, Herrod teaches sudden information transmissions about products located near the mobile terminal as it is

moved throughout the store and personalized advertising. (Col. 10 lines 36-43 and Col. 11 lines 34-38) Herrod teaches the information includes graphic icons representing the products in the area, price, location and special offers provided by the nearest access point (Fig. 5 [66]). (Col. 10 lines 45-58) Therefore, Herrod teaches information that is transmitted through the cradle and sudden information that is transmitted through the access point.

8. In response to applicant's argument that "the system temporarily goes down or loses communication with the terminal and unable to accurately determine the status of the customer" (Page 15 line 20 through Page 17 line 5), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

Herrod teaches receiving the map information including markers for the current location of the mobile device from the host (Col. 10 line 59 through Col. 11 line 3 and Col. 13 lines 31-33), which is the server. (Fig. 2a [15]) Herrod teaches a method of judging whether a customer enters or leaves the building by obtaining customer information regarding a customer's mobile terminal (Fig. 5 [10]), determining whether the customer information is stored in the database server, temporarily storing the

customer information on the server and deleting the customer information when the customer leaves the building. (Col. 8 line 66 through Col. 9 line 13 and Col. 13 lines 31-33)

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571)272-7499. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MCS
7/29/2005



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